

*This proposed rule change clarifies the instructor certification process, including minimum standards for instructor certification, new clarifying definitions throughout the rule set, updated F-4 Personnel Action reporting requirements, revised instructor certification expiration dates, instructor recertification requirements, instructor experience requirements, audit procedures, training records revisions, and minor housekeeping.*

*The following revised language for OAR 259, Division 008, contains recommended additions (bold and underlined) and deletions (strikethrough text).*

## DIVISION 8

### EMPLOYMENT, TRAINING, AND CERTIFICATION

#### 259-008-0005

##### Definitions

**(1) “Academy Training Division” means the division of the Department which coordinates and facilitates criminal justice training courses to include the development, evaluation, and validation of curriculum and training.**

~~(2)~~ "Assistant Department Head" means an officer occupying the first position subordinate to a Department Head who is primarily responsible for supervision of middle managers and supervisors.

~~(2) “Allied Professions Instructor” means an instructor who is a graduate of an accredited law school, medical school, or other institution that confers degrees in formally recognized professions acceptable to the Department.~~

(3) "Board" means the Board on Public Safety Standards and Training.

(4) "Casual employment" means employment that is occasional, irregular, or incidental for which the employee does not receive seniority rights or fringe benefits.

(5) "Certified Reserve Officer" means a reserve officer who has been designated by a local law enforcement unit, has received training necessary for certification and has met the minimum standards and training requirements established under ORS 181.640.

(6) "Commissioned" means being authorized to perform various acts or duties of a police officer or reserve officer and acting under the supervision and responsibility of a county sheriff or as otherwise provided by law.

(7) "Community College" means a public institution operated by a community college district for the purpose of providing courses of study limited to not more than two years full-time attendance

and designed to meet the needs of a geographical area by providing educational services, including, but not limited to, vocational or technical education programs or lower division collegiate programs.

(8) "Corrections Officer" means an officer or member employed full-time by a law enforcement unit who:

(a) Is charged with and primarily performs the duty of custody, control or supervision of individuals convicted of or arrested for a criminal offense and confined in a place of incarceration or detention other than a place used exclusively for incarceration or detention of juveniles;

(b) Has been certified as a corrections officer described in paragraph (a) of this subsection and has supervisory or management authority for corrections officers as described in paragraph (a) of this subsections; or

(c) Is any full-time employee of the Department who possesses requisite qualifications and is so certified pursuant to ORS 181.652.

(9) "Department" and "DPSST" means the Department of Public Safety Standards and Training.

(10) "Department Head" means the chief of police, sheriff, or chief executive of a law enforcement unit or a public or private safety agency directly responsible for the administration of that unit.

(11) "Director" means the Director of the Department of Public Safety Standards and Training.

(12) "Educational Credits" are credits earned for studies satisfactorily completed at an accredited post-secondary education institution recognized under OAR 259-008-0045.

(13) "Emergency Medical Dispatcher" means a person who has responsibility to process requests for medical assistance from the public or to dispatch medical care providers.

(14) "First-Level Supervisor" means a law enforcement officer, telecommunicator, or emergency medical dispatcher occupying a position between the operational level and the middle manager position who is primarily responsible for the direct supervision of subordinates. A first level supervisor position does not include a position with limited or acting supervisory responsibilities.

(15) "Full-time employment" means the employment of a person who has the responsibility for, and is paid to perform the duties of a public safety professional for more than 80 hours per month for a period of more than 90 consecutive calendar days. For purposes of this rule, any employment that meets the definition of seasonal, casual, or temporary employment is not considered full-time employment as a public safety professional.

(16) "High School" is a school accredited as a high school by the Oregon Department of Education, a school accredited as a high school by the recognized regional accrediting body, or a school accredited as a high school by the state university of the state in which the high school is located.

(17) "Instructor" means an individual who has completed the requisite training and certification requirements prescribed by statute, rule, and policy and has been certified by the Department, ~~including Allied Professions Instructors and Subject Matter Expert Instructors.~~ **The Department will only certify instructors who instruct mandated courses.**

(18) "Law Enforcement Officers" means police, corrections, and parole and probation officers as described in the Public Safety Standards and Training Act.

(19) "Law Enforcement Unit" means:

(a) A police force or organization of the state, a city, university that has established a police department under ORS 352.383, port, school district, mass transit district, county, county service district authorized to provide law enforcement services under ORS 451.010, tribal governments as defined in section 1, chapter 644, Oregon Laws 2011, that employs authorized tribal police officers as defined in section 1, chapter 644, Oregon Laws 2011, the Criminal Justice Division of the Department of Justice, the Department of Corrections, the Oregon State Lottery Commission, the Security and Emergency Preparedness Office of the Judicial Department or common carrier railroad the primary duty of which, as prescribed by law, ordinance, or directive, is any one or more of the following:

(A) Detecting crime and enforcing the criminal laws of this state or laws or ordinances relating to airport security;

(B) The custody, control, or supervision of individuals convicted of or arrested for a criminal offense and confined to a place of incarceration or detention other than a place used exclusively for incarceration or detention of juveniles; or

(C) The control, supervision, and reformation of adult offenders placed on parole or sentenced to probation and investigation of adult offenders on parole or probation or being considered for parole or probation.

(b) A police force or organization of a private entity with a population of more than 1,000 residents in an unincorporated area the employees of which are commissioned by a county sheriff;

(c) A district attorney's office;

(d) The Oregon Liquor Control Commission with regard to liquor enforcement inspectors; or

(e) A humane investigation agency as defined in section 1, chapter 67, Oregon Laws 2012.

(20) "Leave" means a leave granted to a public safety professional by their employing public or private safety agency.

(21) "Middle Manager" means a law enforcement officer, telecommunicator, or emergency medical dispatcher occupying a position between first-level supervisor and department head position and is primarily responsible for management and command duties. A middle manager position does not include a position with limited; or acting middle management duties.

(22) "Part-time Employment" means the employment of a person who has the responsibility for, and is paid to perform the duties of a public safety professional for 80 hours or less per month for a period of more than 90 consecutive calendar days.

(23) "Parole and Probation Officer" means:

(a) An officer who is employed full-time by the Department of Corrections, a county or a court and who is charged with and performs the duty of:

(A) Community protection by controlling, investigating, supervising, and providing or making referrals to reformatory services for adult parolees or probationers or offenders on post-prison supervision; or

(B) Investigating adult offenders on parole or probation or being considered for parole or probation; or

(b) Any officer who:

(A) Is certified and has been employed as a full-time parole and probation officer for more than one year;

(B) Is employed part-time by the Department of Corrections, a county or a court; and

(C) Is charged with and performs the duty of:

(i) Community protection by controlling, investigating, supervising, and providing or making referrals to reformatory services for adult parolees or probationers or offenders on post-prison supervision; or

(ii) Investigating adult offenders on parole or probation or being considered for parole or probation; or

(c) A full-time employee of the Department who possesses requisite qualifications and is so certified pursuant to ORS 181.652.

(24) "Police Officer" means:

(a) An officer, member or employee of a law enforcement unit employed full-time as a peace officer who is:

(A) Commissioned by a city, port, school district, mass transit district, county, county service district authorized to provide law enforcement services under ORS 451.010, tribal government as defined in section 1, chapter 644, Oregon Laws 2011, the Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission, a university that has established a police department under ORS 352.383, the Governor or the Department of State Police; and

(B) Responsible for enforcing the criminal laws of this state or laws or ordinances relating to airport security;

(b) An investigator of a district attorney's office if the investigator is or has been certified as a peace officer in this or another state;

(c) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011;

(d) A special agent commissioned under section 1, chapter 67, Oregon Laws 2012;

(e) An individual member of the judicial security personnel identified pursuant to ORS 1.177 who is trained pursuant to section 3, chapter 88, Oregon Laws 2012; or

(f) Any full-time employee of the Department who possesses requisite qualifications and is so certified pursuant to ORS 181.665.

(25) "Public or private safety agency" means:

(a) A law enforcement unit; or

(b) A unit of state or local government, a special purpose district or a private firm that provides, or has authority to provide, police, ambulance or emergency medical services.

(26) "Public Safety Personnel" and "Public Safety Officer" include corrections officers, emergency medical dispatchers, parole and probation officers, police officers, certified reserve officers, telecommunicators and liquor enforcement inspectors.

(27) "Public Safety Professional" includes public safety personnel, public safety officers, and instructors.

(28) "Regulations" mean written directives established by the Department or its designated staff describing training activities and student procedures at the Oregon Public Safety Academy.

(29) "Reimbursement" is the money allocated from the Police Standards and Training Account, established by ORS 181.690, to a law enforcement unit meeting the requirements of these

regulations to defray the costs of officer salaries, relief duty assignments, and other expenses incurred while officers attend approved training courses certified by the Department.

(30) "Reserve Officer" means an officer or member of a law enforcement unit who is:

(a) A volunteer or employed less than full time as a peace officer commissioned by a city, port, school district, mass transit district, county, county service district authorized to provide law enforcement services under ORS 451.010, tribal government as defined in section 1, chapter 644, Oregon Laws 2011, the Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission, the Governor, or the Department of State Police;

(b) Armed with a firearm; and

(c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordinances relating to airport security.

(31) "Seasonal Employment" means employment that can be carried on only at certain seasons or fairly definite portions of the year, with defined starting and ending dates based on a seasonally determined need.

(32) "Staff" means those employees occupying full-time, part-time, or temporary positions with the Department.

**(33) "Standards and Certification" means the division of the Department which implements and regulates compliance with Board-established, statewide standards for public safety professionals. Standards and Certification oversees the issuance, maintenance, denial, suspension or revocation of public safety certifications.**

~~(33) "Subject Matter Expert Instructor" means an instructor who possesses special knowledge and expertise within a specific subject area, such as firearms or defensive tactics, which is supported by valid training and credentials that are generally recognized nationally with public safety.~~

(34) "Suspension" means the administrative inactivation of a certificate issued by the Department until maintenance requirements or other administrative requirements for certification are met and certification is restored.

(35) "Telecommunicator" means:

(a) A person employed as an emergency telephone worker as defined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, processing and transmitting public safety information received through a 9-1-1 emergency reporting system as defined in ORS 403.105; or

(b) A full-time employee of the Department who possesses requisite qualifications and is so certified pursuant to ORS 181.652.

(36) "Temporary employment" means employment that lasts no more than 90 consecutive calendar days and is not permanent.

(37) "The Act" refers to the Public Safety Standards and Training Act (ORS 181.610 to 181.715).

(38) "Waiver" means to refrain from pressing or enforcing a rule.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

## **259-008-0020**

### **Personnel Action Reports**

(1) All ~~law enforcement units and~~ public or private safety agencies **and the Academy Training Division** must submit the name and other pertinent information concerning any newly appointed public safety officer **professional** to **Standards and Certification** ~~the Department~~ on a Personnel Action Report (DPSST Form F-4) within 10 business days after employment.

(a) A ~~Department~~ (DPSST) number will be established for each newly appointed employee identified on a Personnel Action Report (~~DPSST Form F-4~~) if:

(A) The individual is employed in a certifiable position, ~~as a police officer, corrections officer, parole and probation officer, telecommunicator or emergency medical dispatcher;~~

(B) The individual is employed as a reserve police officer; or

(C) An individual's employer has submitted a written request identifying a demonstrated law enforcement need for an employee to obtain a DPSST number and the Department has approved the request. These positions may include, but are not limited to:

(i) A federal officer authorized by the Department to make arrests under ORS 133.245;

(ii) An individual who operates an Intoxilyzer or other law enforcement device for which a DPSST number is necessary; or

(iii) An individual who is required to file a police or other criminal justice report for which a DPSST number is necessary.

(b) No DPSST number will be assigned to an individual who has not been identified as a newly appointed public safety professional unless approved by the Department.

(2) Whenever **a** public safety ~~personnel~~ **officer** ~~resigns, retires, or terminates employment, are~~ **is** promoted, demoted, discharged, deceased, ~~are~~ **is** on a leave of **for** 91 days or more, or transfers within a ~~law enforcement unit, or private or public safety agency, the department head~~ **agency**

must report this information to the Standards and Certification Department on a Personnel Action Report (~~DPSST Form F-4~~) within ~~ten~~(10) business days of the action.

**(3) Whenever a certified instructor resigns, retires, terminates employment, is discharged or deceased, the agency must report this information to Standards and Certification on a Personnel Action Report within 10 business days of the action.**

(34) All applicable sections of the Personnel Action Report (~~DPSST Form F-4~~) must be completed and signed by the department head or an authorized representative.

(45) All applicants shall will furnish to the Department on a Personnel Action Report (~~DPSST Form F-4~~) their social security number on a Personnel Action Report. The social security number is used to accurately identify the applicant during computerized criminal history (CCH) and Department record checks and to verify information provided by a public safety officers professional under the Act in connection with revocation proceedings.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

**259-008-0067**

### **Lapsed Certification**

(1)(a) The certification of any police officer, corrections officer, parole and probation officer who does not serve as a police officer, corrections officer, parole and probation officer, or any certified reserve officer who is not utilized as a certified reserve officer, for any period of time in excess of three consecutive months is lapsed. Upon reemployment as a police officer, corrections officer, parole and probation officer, or recommencing service as a reserve officer, the person whose certification has lapsed may apply for certification in the manner provided in these rules ~~ORS 181.610 to 181.712~~.

(b) Notwithstanding paragraph (a) of this subsection, the certification of a police officer, corrections officer, parole and probation officer or certified reserve officer does not lapse if the officer is on leave from a law enforcement unit.

(2) The certification of any telecommunicator or emergency medical dispatcher who is not utilized as a telecommunicator or emergency medical dispatcher for any period of time in excess of 12 consecutive months, unless the telecommunicator or emergency medical dispatcher is on leave from a public or private safety agency, is lapsed. Upon reemployment as a telecommunicator or emergency medical dispatcher, the person whose certification has lapsed may apply for certification in the manner provided in these rules ~~ORS 181.610 to 181.712~~.

**(3) The certification of any instructor who is not utilized as an instructor for any period of time in excess of five years is lapsed. Upon reemployment as an instructor, the person**



**whose certification has lapsed may reapply for certification in the manner provided in OAR 259-008-0080.**

Stat. Auth.: ORS 181.652, 181.653 & 181.667

Stats. Implemented: ORS 181.652, 181.653 & 181.667

## **259-008-0070**

### **Denial/Revocation**

(1) It is the responsibility of the Board to set the standards, and of the Department to uphold them, to ensure the highest levels of professionalism and discipline. These standards shall be upheld at all times unless the Board determines that neither the safety of the public nor respect of the profession is compromised.

#### Definitions

(2) For purposes of this rule, the following definitions apply:

(a) “Denial” or “Deny” means the refusal to grant a certification for mandatory grounds or discretionary disqualifying misconduct as identified in this rule, pursuant to the procedures identified in (9) of this rule.

(b) “Discretionary Disqualifying Misconduct” means misconduct identified in OAR 259-008-0070(4).

(c) “Revocation” or “Revoke” means to withdraw the certification of a public safety professional for mandatory grounds or discretionary disqualifying misconduct as identified in this rule, pursuant to the procedures identified in section (9) of this rule.

#### Grounds for Mandatory Denial or Revocation of Certification

(3) Mandatory Grounds for Denying or Revoking Certification of a Public Safety Professional:

(a) The **Standards and Certification** ~~Department~~ must deny or revoke the certification of any public safety professional after written notice and hearing, based upon a finding that:

(A) The public safety professional has been discharged for cause from employment as a public safety professional. For purposes of this rule, “discharged for cause,” means an employer-initiated termination of employment for any of the following reasons after a final determination has been made. If, after service by the ~~Department~~ **Standards and Certification** of a Notice of Intent to Deny or Revoke Certifications (NOI), the public safety professional provides notice to the ~~Department~~ **Standards and Certification** within the time stated in the NOI that the

discharge has not become final, then **Standards and Certification** ~~the Department~~ may stay further action, pending a final determination.

(i) Dishonesty: Includes untruthfulness, dishonesty by admission or omission, deception, misrepresentation, falsification;

(ii) Disregard for the Rights of Others: Includes violating the constitutional or civil rights of others, conduct demonstrating a disregard for the principles of fairness, respect for the rights of others, protecting vulnerable persons, and the fundamental duty to protect and serve the public.

(iii) Gross Misconduct: means an act or failure to act that creates a danger or risk to persons, property, or to the efficient operation of the agency, recognizable as a gross deviation from the standard of care that a reasonable public safety professional would observe in a similar circumstance;

(iv) Incompetence: means a demonstrated lack of ability to perform the essential tasks of a public safety professional that remedial measures have been unable to correct; or

(v) Misuse of Authority: Includes abuse of public trust, abuse of authority to obtain a benefit, avoid a detriment, or harm another, and abuse under the color of office.

(B) The public safety professional has been convicted in this state or any other jurisdiction of a crime designated under the law where the conviction occurred as being punishable as a felony or as a crime for which a maximum term of imprisonment of more than one year may be imposed;

(C) The public safety professional has been convicted of violating any law of this state or any other jurisdiction involving the unlawful use, possession, delivery or manufacture of a controlled substance, narcotic or dangerous drug, except the Department may deny certification for a conviction of possession of less than one ounce of marijuana, which occurred prior to certification; or

(D) The public safety professional has been convicted in this state of any of the following offenses, or of their statutory counterpart(s) in any other jurisdiction, designated under the law where the conviction occurred as being punishable as a crime:

162.075 (False swearing);

162.085 (Unsworn falsification);

162.145 (Escape in the third degree);

162.175 (Unauthorized departure);

162.195 (Failure to appear in the second degree);

162.235 (Obstructing governmental or judicial administration);

162.247 (Interfering with a peace officer);

162.257 (Interfering with a firefighter or emergency medical technician);

162.295 (Tampering with physical evidence);

162.305 (Tampering with public records);

162.315 (Resisting arrest);

162.335 (Compounding);

162.365 (Criminal impersonation);

162.369 (Possession of false law enforcement identification);

162.375 (Initiating a false report);

162.385 (Giving false information to a peace officer for a citation or arrest warrant);

162.415 (Official misconduct in the first degree);

163.200 (Criminal mistreatment in the second degree);

163.454 (Custodial sexual misconduct in the second degree);

163.687 (Encouraging child sexual abuse in the third degree);

163.732 (Stalking);

164.045 (Theft in the second degree);

164.085 (Theft by deception);

164.095 (Theft by receiving);

164.125 (Theft of services);

164.235 (Possession of a burglary tool or theft device);

164.877 (Unlawful tree spiking; unlawful possession of substance that can damage certain wood processing equipment);

165.007 (Forgery in the second degree);

165.017 (Criminal possession of a forged instrument in the second degree);

165.037 (Criminal simulation);

165.042 (Fraudulently obtaining a signature);

165.047 (Unlawfully using slugs);

165.055 (Fraudulent use of a credit card);

165.065 (Negotiating a bad check);

165.080 (Falsifying business records);

165.095 (Misapplication of entrusted property);

165.100 (Issuing a false financial statement);

165.102 (Obtain execution of documents by deception);

165.825 (Sale of drugged horse);

166.065(1)(b) (Harassment);

166.155 (Intimidation in the second degree);

166.270 (Possession of weapons by certain felons);

166.350 (Unlawful possession of armor-piercing ammunition);

166.416 (Providing false information in connection with a transfer of a firearm);

166.418 (Improperly transferring a firearm);

166.470 (Limitations and conditions for sales of firearms);

167.007 (Prostitution);

167.075 (Exhibiting an obscene performance to a minor);

167.080 (Displaying obscene materials to minors);

167.132 (Possession of gambling records in the second degree);

167.147 (Possession of a gambling device);

167.222 (Frequenting a place where controlled substances are used);

167.262 (Adult using minor in commission of controlled substance offense);

167.320 (Animal abuse in the first degree);

167.330 (Animal neglect in the first degree);

167.332 (Prohibition against possession of domestic animal);  
167.333 (Sexual assault of animal);  
167.337 (Interfering with law enforcement animal);  
167.355 (Involvement in animal fighting);  
167.370 (Participation in dogfighting);  
167.431 (Participation in cockfighting);  
167.820 (Concealing the birth of an infant);  
475.525 (Sale of drug paraphernalia);  
475.840 (Manufacture or deliver a controlled substance);  
475.860 (Unlawful delivery of marijuana);  
475.864 (Unlawful possession of marijuana);  
475.906 (Distribution of controlled substance to minors);  
475.910 (Application of controlled substance to the body of another person);  
475.912 (Unlawful delivery of imitation controlled substance);  
475.914 (Unlawful acts, registrant delivering or dispensing controlled substance);  
475.916 (Prohibited acts involving records and fraud);  
475.918 (Falsifying drug test results);  
475.920 (Providing drug test falsification equipment);  
475.950 (Failure to report precursor substances transaction);  
475.955 (Failure to report missing precursor substances);  
475.960 (Illegally selling drug equipment);  
475.965 (Providing false information on precursor substances report or record);  
475.969 (Unlawful possession of phosphorus);  
475.971 (Unlawful possession of anhydrous ammonia);

475.973 (Unlawful possession of ephedrine, pseudoephedrine or phenylpropanolamine; unlawful distribution);

475.975 (Unlawful possession of iodine in its elemental form);

475.976 (Unlawful possession of iodine matrix);

807.520 (False swearing to receive license);

807.620 (Giving false information to police officer);

Any offense involving any acts of domestic violence as defined in ORS 135.230.

(b) ~~The **Standards and Certification** Department~~ must take action on a mandatory disqualifying conviction, regardless of when it occurred, unless **Standards and Certification** ~~the Department~~, or the Board, has previously reviewed the conviction and approved the public safety professional for certification under a prior set of standards.

#### Discretionary Disqualifying Misconduct as Grounds for Denying or Revoking Certification

(4) Discretionary disqualifying misconduct as Grounds for Denying or Revoking Certification(s) of a Public Safety Professional:

(a) **Standards and Certification** ~~The Department~~ may deny or revoke the certification of any public safety professional after written notice, and a hearing, if requested, based upon a finding that:

(A) The public safety professional falsified any information submitted on the application for certification or on any documents submitted to the Board or Department;

(B) The public safety professional has engaged in conduct that fails to meet the applicable minimum standards as described in subsection (b), minimum training or the terms and conditions established under ORS 181.640;

(C) The public safety professional has engaged in conduct that resulted in the conviction of an offense, punishable as a crime, other than a mandatory disqualifying crime listed in section (3) of this rule, in this state or any other jurisdiction. Presumptive categories have been identified for the crimes listed in subsection (4), based solely on the elements of the crime. Other categories may apply based on the conduct leading to the conviction; or

(D) A public safety officer failed to attend at least one session with a mental health professional within six months after the public safety officer was involved in using deadly physical force, as required by ORS 181.789.

(b) For purposes of this rule, discretionary disqualifying misconduct includes misconduct falling within the following categories:

(A) Category I: Dishonesty: Includes untruthfulness, dishonesty by admission or omission, deception, misrepresentation, falsification;

(B) Category II: Disregard for the Rights of Others: Includes violating the constitutional or civil rights of others, and conduct demonstrating a disregard for the principles of fairness, respect for the rights of others, protecting vulnerable persons, and the fundamental duty to protect or serve the public.

(C) Category III: Misuse of Authority: Includes abuse of public trust, obtaining a benefit, avoidance of detriment, or harming another, and abuses under the color of office.

(D) Category IV: Gross Misconduct: Means an act or failure to act that creates a danger or risk to persons, property, or to the efficient operation of the agency, recognizable as a gross deviation from the standard of care that a reasonable public safety professional would observe in a similar circumstance;

(E) Category V: Misconduct: Misconduct includes conduct that violates the law, practices or standards generally followed in the Oregon public safety profession. NOTE: It is the intent of this rule that “Contempt of Court” meets the definition of Misconduct within this category; or

(F) Category VI: Insubordination: Includes a refusal by a public safety professional to comply with a rule or order, where the order was reasonably related to the orderly, efficient, or safe operation of the agency, and where the public safety professional’s refusal to comply with the rule or order constitutes a substantial breach of that person’s duties.

(c) For discretionary disqualifying misconduct, the applicable category will be determined based on the facts of each case. Discretionary disqualifying misconduct under (a)(C) includes, but is not limited to, the following list, which identifies the applicable category for each listed discretionary offense, based on the elements of the crime:

97.931 (Registration of Salesperson for Endowment Care Cemeteries, Pre-construction Sales and Prearrangement Sales) — Category V;

97.933 (Certification of Provider of Prearrangement or Preconstruction) — Category V;

97.937 (Deposit of Trust Funds made by Endowment Care Cemeteries) — Category V;

97.941 (Prearrangement or Preconstruction Trust Fund Deposits) — Category V;

97.990(4) (Maintaining a Nuisance) — Category V;

162.405 (Official Misconduct in the Second Degree) — Category III;

162.425 (Misuse of Confidential Information) — Category III;

162.455 (Interfering with Legislative Operations) — Category V;

162.465 (Unlawful Legislative Lobbying) — Category I;

163.160 (Assault in the Fourth Degree) — Category II;

163.187 (Strangulation) — Category II;

163.190 (Menacing) — Category II;

163.195 (Recklessly Endangering Another Person) — Category IV;

163.212 (Unlawful Use of Stun Gun, Tear Gas or Mace in the Second Degree) — Category IV;

163.415 (Sexual Abuse in the Third Degree) — Category II;

163.435 (Contributing to the Sexual Delinquency of a Minor) — Category II;

163.445 (Sexual Misconduct) — Category II;

163.465 (Public Indecency) — Category II;

163.467 (Private Indecency) — Category II;

163.545 (Child Neglect in the Second Degree) — Category IV;

163.693 (Failure to Report Child Pornography) — Category IV;

163.575 (Endangering the Welfare of a Minor) — Category III;

163.700 (Invasion of Personal Privacy) — Category II;

163.709 (Unlawful Directing of Light from a Laser Pointer) — Category IV;

164.043 (Theft in the Third Degree) — Category V;

164.132 (Unlawful Distribution of Cable Equipment) — Category V;

164.140 (Criminal Possession of Rented or Leased Personal Property) — Category V;

164.162 (Mail Theft or Receipt of Stolen Mail) — Category I;

164.243 (Criminal Trespass in the Second Degree by a Guest) — Category V;

164.245 (Criminal Trespass in the Second Degree) — Category V;

164.255 (Criminal Trespass in the First Degree) — Category V;

164.265 (Criminal Trespass While in Possession of a Firearm) — Category IV;

164.272 (Unlawful Entry into a Motor Vehicle) — Category V;



164.278 (Criminal Trespass at Sports Event) — Category V;

164.335 (Reckless Burning) — Category IV,

164.345 (Criminal Mischief in the Third Degree) — Category V;

164.354 (Criminal Mischief in the Second Degree) — Category V;

164.373 (Tampering with Cable Television Equipment) — Category V;

164.377 (Computer Crime) — Category V;

164.775 (Deposit of Trash Within 100 Yards of Water) — Category V;

164.785 (Placing Offensive Substances in waters/on highways or property) — Category IV;

164.805 (Offensive Littering) — Category V;

164.813 (Unlawful Cutting and Transporting of Special Forest Products) — Category V;

164.815 (Unlawful Transport of Hay) — Category V;

164.825 (Cutting and Transport of Coniferous Trees without Permit/Bill of Sale) — Category V;

164.845 (FTA on Summons for ORS 164.813 or 164.825) — Category V;

164.863 (Unlawful Transport of Meat Animal Carcasses) — Category V;

164.865 (Unlawful Sound Recording) — Category V;

164.875 (Unlawful Video Tape Recording) — Category V;

164.887 (Interference with Agricultural Operations) — Category II;

165.107 (Failing to Maintain a Metal Purchase Record) — Category V;

165.109 (Failing to Maintain a Cedar Purchase Record) — Category V;

165.540 (Obtaining Contents of Communications) — Category V;

165.555 (Unlawful Telephone Solicitation) — Category V;

165.570 (Improper Use of Emergency Reporting System) — Category IV;

165.572 (Interference with Making a Report) — Category II;

165.577 (Cellular Counterfeiting in the Third Degree) — Category I;

165.805 (Misrepresentation of Age by a Minor) — Category I;

166.025 (Disorderly Conduct in the Second Degree) — Category IV;  
166.027 (Disorderly Conduct in the First Degree) — Category IV;  
166.075 (Abuse of Venerated Objects) — Category II;  
166.076 (Abuse of a Memorial to the Dead) — Category II;  
166.090 (Telephonic Harassment) — Category II;  
166.095 (Misconduct with Emergency Telephone Calls) — Category IV;  
166.155 (Intimidation in the Second Degree) — Category II,  
166.180 (Negligently Wounding Another) — Category IV;  
166.190 (Pointing a Firearm at Another) — Category IV;  
166.240 (Carrying a Concealed Weapon) — Category V;  
166.250 (Unlawful Possession of a Firearm) — Category V;  
166.320 (Setting of a Springgun or Setgun) — Category IV;  
166.385 (Possession of Hoax Destructive Device) — Category IV;  
166.425 (Unlawful Purchase of Firearm) — Category I;  
166.427 (Register of Transfers of Used Firearms) — Category V;  
166.480 (Sale or Gift of Explosives to Children) — Category IV;  
166.635 (Discharging Weapon or Throwing Object at Trains) — Category IV;  
166.638 (Discharging Weapon Across Airport Operational Surfaces) — Category IV;  
166.645 (Hunting in Cemeteries) — Category V;  
166.649 (Throwing Object off Overpass in the Second Degree) — Category IV;  
167.122 (Unlawful Gambling in the Second Degree) — Category V;  
167.312 (Research and Animal Interference) — Category II;  
167.315 (Animal Abuse in the Second Degree) — Category IV;  
167.325 (Animal Neglect in the Second Degree) — Category IV;  
167.340 (Animal Abandonment) — Category IV;

167.351 (Trading in Nonambulatory Livestock) — Category V;

167.352 (Interfering with Assistance, Search and Rescue or Therapy Animal) — Category IV;

167.385 (Unauthorized Use of Livestock Animal) — Category II;

167.388 (Interference with Livestock Production) — Category II;

167.390 (Commerce in Fur of Domestic Cats and Dogs) — Category V;

167.502 (Sale of Certain Items at Unused Property Market) — Category V;

167.506 (Record Keeping Requirements) — Category V;

167.808 (Unlawful Possession of Inhalants) — Category IV;

167.810 (Creating a Hazard) — Category IV;

167.822 (Improper Repair Vehicle Inflatable Restraint System) — Category IV;

411.320 (Disclosure and Use of Public Assistance Records) — Category II;

468.922 (Unlawful disposal, storage or treatment of hazardous waste in the second degree) — Category V;

468.929 (Unlawful transport of hazardous waste in the second degree) — Category V;

468.936 (Unlawful Air Pollution in the Second Degree) — Category V;

468.943 (Unlawful Water Pollution in the Second Degree) — Category V;

468.956 (Refusal to Produce Material Subpoenaed by the Commission) — Category V;

471.410 (Providing Liquor to Person under 21 or to Intoxicated Person) — Category IV;

Chapter 496 – 498 (When treated as a misdemeanor crime) — Category based on the elements of the specific crime;

609.341 (Permit Requirement for Keeping of Exotic Animals; Breeding of Animals) — Category V;

609.405 (Requirement for Destroying Dog or Cat) — Category V;

609.505 (Unlawfully Obtaining Dog or Cat) — Category V;

609.520(c) (Animal Dealer Failing to Turn Over Dog or Cat) — Category V;

609.805 (Misrepresentation of Pedigree; Mutilation of Certificate or Proof of Pedigree) — Category I;

609.990(3)(a) (Violation of ORS 609.098 — Maintaining a Dangerous Dog) — Category IV;  
717.200 to 717.320 (Any violation) — Category V;  
803.225 (Failure to Designate Replica..Vehicle in Title or Registration Application) — Category I;  
807.430 (Misuse of Identification Card) — Category I;  
807.510 (Transfer of documents for the purpose of misrepresentation) — Category I;  
807.530 (False Application for License) — Category I;  
807.570 (Failure to Carry or Present License) — Category V;  
807.580 (Using Invalid License) — Category I;  
807.590 (Permitting Misuse of License) — Category I;  
807.600 (Using Another’s License) — Category I;  
811.060 (Vehicular Assault of Bicyclist or Pedestrian) — Category V;  
811.140 (Reckless Driving) — Category IV;  
811.172 (Improperly Disposing of Human Waste) — Category V;  
811.182 (Criminal Driving While Suspended or Revoked) — Category V;  
811.231 (Reckless Endangerment of Highway Workers) — Category IV;  
811.540 (Fleeing or Attempt to Elude a Police Officer) — Category IV;  
811.700 (Failure to Perform Duties of Driver when Property is Damaged) — Category V;  
811.740 (False Accident Report) — Category I; and  
813.010 (Driving Under the Influence of Intoxicants) — Category IV.  
830.035(2) (Fleeing; Attempts to Elude) — Category IV;  
830.053 (False or Fraudulent Report of Theft of Boat) — Category I;  
830.315(1) (Reckless Operation) — Category IV;  
830.325 (Operation a Boat while Under the Influence of Intoxicating Liquor or Controlled Substance) — Category IV;  
830.383 (Person Required to Remedy Especially Hazardous Condition) — Category V;

830.460(2) (Prohibited Activities — Operating a Vessel that Fails to Comply with Equipment Requirements) — Category V;

830.460(3) (Prohibited Activities — Operating a Vessel without Liability Protection) — Category V;

830.475(1) (Failure to Perform the Duties of an Operator at Accident) — Category V;

830.730 (False Information) — Category I;

830.909 (Abandoning Boat, Floating Home, or Boathouse) — Category V;

830.955(1) (Prohibition of Installation of Submersible Polystyrene Device) — Category V;

830.992 (Purchase of a Boat or Equipment from which Hull or Component Identification Number Removed) — Category V;

830.994 (Operates a Boat in Violation of a Court Order) — Category;

#### Initial Periods of Ineligibility

(d) Upon determination to proceed with the denial or revocation of a public safety professional's certification based on discretionary disqualifying misconduct identified in subsection (a), an initial minimum period of ineligibility to apply for certification will be determined based upon the category of misconduct (i.e., Dishonesty, Disregard for Rights of Others, Misuse of Authority, Gross Misconduct, Misconduct or Insubordination).

(e) Following review and recommendation by a Policy Committee, the Board will determine the initial minimum period of ineligibility for discretionary disqualifying misconduct identified in subsection (a) from the time frame identified below for each category of discretionary disqualifying misconduct:

(A) Category I: Dishonesty (5 years to Lifetime).

(B) Category II: Disregard for Rights of Others (5 years to 15 years).

(C) Category III: Misuse of Authority (5 years to 10 years).

(D) Category IV: Gross Misconduct (5 years to 10 years).

(E) Category V: Misconduct (3 years to 7 years).

(F) Category VI: Insubordination (3 years to 7 years).

#### Eligibility to Reapply; Ineligibility Periods

(5) A person is not eligible to reapply for training or certification if the person had training or certification denied or revoked for:

(a) Mandatory grounds identified in section (3) of this rule; or

(b) Discretionary Disqualifying Misconduct identified in section (4) of this rule that is determined to be a Category I lifetime disqualifier.

(6) Eligibility to reapply for certification:

(a) In determining the initial minimum period of ineligibility within any category for discretionary disqualifying misconduct listed in section (4) of this rule, the Board will take into consideration any mitigating or aggravating factors, subject to the provisions of section (9) of this rule.

(b) The initial minimum period of ineligibility will be included in any Final Order of the Department.

(c) Any subsequent eligibility to apply for certification will be determined by the Board, after Policy Committee review, subject to the provisions of section (11) of this rule.

#### Guidelines for Denial or Revocation Based on Discretionary Disqualifying Misconduct

(7) In determining whether to take action on a conviction, **Standards and Certification** ~~the Department~~ must use the following guidelines:

(a) In making a decision on a discretionary denial or revocation, **Standards and Certification** ~~the Department~~ will consider the implementation dates relating to new mandatory conviction notification requirements adopted in 2003 and statutory changes dealing with lifetime disqualifier convictions for public safety ~~officers~~ **professionals** adopted in 2001.

(b) ~~The **Standards and Certification** Department~~ will not take action on a conviction constituting discretionary disqualifying misconduct that occurred prior to January 1, 2001. However, **Standards and Certification** ~~the Department~~ may consider such conviction as evidence that a public safety professional does not meet the established moral fitness guidelines.

(c) ~~The **Standards and Certification** Department~~ may take action on any conviction constituting discretionary disqualifying misconduct that occurred after January 1, 2001.

(d) The Board may reconsider any mandatory conviction which subsequently becomes a conviction constituting discretionary disqualifying misconduct, upon the request of the public safety professional.

(e) The length of ineligibility for training or certification based on a conviction begins on the date of conviction.

(f) **Standards and Certification** ~~The Department~~ will not take action against a public safety professional or agency for failing to report, prior to January 1, 2003, a conviction that constitutes discretionary disqualifying misconduct.

(g) **Standards and Certification** ~~The Department~~ may take action against a public safety professional or agency for failing to report, after January 1, 2003, any conviction that constitutes discretionary disqualifying misconduct.

#### Procedure for Denial or Revocation of a Certificate

(8) Scope of Revocation. Whenever the Department revokes the certification of any public safety professional under the provisions of OAR 259-008-0070, the revocation will encompass all public safety certificates, except fire certification(s), the Department has issued to that person.

(9) Denial and Revocation Procedure.

(a) Agency Initiated Review: When the entity utilizing a public safety professional requests that a public safety professional's certification be denied or revoked, it must submit in writing to **Standards and Certification** ~~the Department~~ the reason for the requested denial or revocation and all factual information supporting the request.

(b) **Standards and Certification** ~~Department~~ Initiated Review: Upon receipt of factual information from any source, and pursuant to ORS 181.662, **Standards and Certification** ~~the Department~~ may request that the public safety professional's certification be denied or revoked.

(c) **Standards and Certification** ~~Department~~ Staff Review: When **Standards and Certification** ~~the Department~~ receives information, from any source, that a public safety professional may not meet the established standards for Oregon public safety professionals, **Standards and Certification** ~~the Department~~ will review the request and the supporting factual information to determine if the request for denial or revocation meets statutory and administrative rule requirements.

(A) If the reason for the request does not meet the statutory and administrative rule requirements for denial or revocation **Standards and Certification** ~~the Department~~ will notify the requestor.

(B) If the reason for the request does meet statutory and administrative rule requirements but is not supported by adequate factual information, **Standards and Certification** ~~the Department~~ will request further information from the employer or conduct its own investigation of the matter.

(C) If **Standards and Certification** ~~the Department~~ determines that a public safety professional may have engaged in discretionary disqualifying misconduct listed in subsection (4), the case may be presented to the Board, through a Policy Committee.

(D) **Standards and Certification** ~~The Department~~ will seek input from the affected public safety professional, allowing him or her to provide, in writing, information for the Policy Committee and Board's review.

(E) In misconduct cases where there has been an arbitrator's opinion related to the public safety professional's employment, **Standards and Certification** ~~the Department~~ will proceed as follows:

(i) If the arbitrator's opinion finds that underlying facts supported the allegations of misconduct, **Standards and Certification** ~~the department~~ will proceed as identified in paragraphs (A) through (D) of this subsection.

(ii) If the arbitrator has ordered employment reinstatement after a discharge for cause without a finding related to whether the misconduct occurred, **Standards and Certification** ~~the Department~~ will proceed as identified in paragraphs (A) through (D) of this subsection.

(iii) If the arbitrator's opinion finds that underlying facts did not support the allegation(s) of misconduct, **Standards and Certification** ~~the Department~~ will proceed as identified in paragraph (A) of this subsection and administratively close the matter.

(d) Policy Committee and Board Review: In making a decision to authorize initiation of proceedings under subsection (e) of this rule, based on discretionary disqualifying misconduct, the Policy Committees and Board will consider mitigating and aggravating circumstances, including, but not limited to, the following:

(A) When the misconduct occurred in relation to the public safety professional's employment in public safety (i.e., before, during after);

(B) If the misconduct resulted in a conviction:

(i) Whether it was a misdemeanor or violation;

(ii) The date of the conviction(s);

(iii) Whether the public safety professional was a minor at the time and tried as an adult;

(iv) Whether the public safety professional served time in prison or jail and the length of incarceration;

(v) Whether restitution was ordered, and whether the public safety professional met all obligations;

(vi) Whether the public safety professional has ever been on parole or probation. If so, the date the parole or probation period expired or will expire; and



(vii) Whether the public safety professional has more than one conviction and over what period of time;

(C) Whether the public safety professional engaged in the same misconduct more than once and over what period of time;

(D) Whether the actions of the public safety professional reflect adversely on the profession or would cause a reasonable person to have substantial doubts about the public safety professional's honesty, fairness, respect for the rights of others, or for the laws of the state or the nation;

(E) Whether the misconduct involved domestic violence;

(F) Whether the public safety professional self-reported the misconduct;

(G) Whether the conduct adversely reflects on the fitness of the public safety professional to perform as a public safety professional;

(H) Whether the conduct renders the public safety professional otherwise unfit to perform their duties because the agency or public has lost confidence in the public safety professional; and

(I) What the public safety professional's physical or emotional condition was at the time of the conduct.

(e) Initiation of Proceedings: Upon determination that the reason for denial or revocation is supported by factual data meeting the statutory and administrative rule requirements, a contested case notice will be prepared and served on the public safety professional.

(f) Contested Case Notice:

(A) All contested case notices will be prepared in accordance with the applicable provisions of the Attorney General's Model Rules or Procedures adopted under OAR 259-005-0015.

(B) In discretionary cases heard by a policy committee, the contested case notice will be served on the public safety professional prior to Board review. If the Board disapproves the policy committee's recommendation, the Department will withdraw the Contested Case Notice.

(g) Response Time:

(A) A party who has been served with a "Contested Case Notice of Intent to Deny Certification" has 60 days from the date of mailing or personal service of the notice in which to file a written request for a hearing with the Department.

(B) A party who has been served with the "Contested Case Notice of Intent to Revoke Certification" has 20 days from the date of mailing or personal service of the notice in which to file a written request for hearing with the Department.

(h) Default Order: If a timely request for a hearing is not received, the Contested Case Notice will become a final order denying or revoking certification pursuant to OAR 137-003-0672.

(i) Hearing Request: If a timely request for a hearing is received, the Department will refer the matter to the Office of Administrative Hearings in accordance with OAR 137-003-0515.

(j) Proposed and Final Orders:

(A) In cases in which a hearing is requested, proposed orders, exceptions, and final orders will be issued pursuant to the applicable provisions of the Attorney General's Model Rules of Procedures adopted under OAR 259-005-0015.

(B) Department-proposed amendments to a proposed order issued by an Administrative Law Judge in a case that was originally heard by a policy committee must be considered and approved by the policy committee that originally reviewed the case before a final order can be issued.

(k) Stipulated Order Revoking Certification: The Department may enter a stipulated order revoking the certification of a public safety professional upon the person's voluntary agreement to terminate an administrative proceeding to revoke a certification, or to relinquish a certification, under the terms and conditions outlined in the stipulated order.

#### Appeals, Reapplication, and Eligibility Determinations

(10) Appeal Procedure. A public safety professional, aggrieved by the findings and Order of the Department may, as provided in ORS 183.480, file an appeal with the Court of Appeals from the final Order of the Department.

(11) Reapplication Process.

(a) Any public safety professional whose certification has been denied or revoked pursuant to section (4) of this rule, may reapply for certification within the applicable timeframes described in sections (4) through (6) of this rule. The initial minimum ineligibility period will begin on the date an Order of the Department denying or revoking certification becomes final. The initial minimum ineligibility period will cease when the applicable time frame stated in the Order has been satisfied.

(b) Any public safety professional whose certification has been denied or revoked based on discretionary disqualifying misconduct may not reapply for certification until:

(A) The initial minimum period of ineligibility stated in an Order of the Department denying or revoking certification has been satisfied;

(i) If the initial period of ineligibility for the individual was for a period of less than the maximum period identified in section (4) of this rule, and the Board determines that an individual must remain ineligible to apply for certification, then the individual may not reapply

for certification under the provisions of this rule until after the maximum initial period of ineligibility identified in (4) of this rule has been satisfied.

(ii) If the individual has satisfied the maximum initial period of ineligibility and the Board determines that an individual must remain ineligible to apply for certification, then the individual may not submit any further requests for an eligibility determination, and the original denial or revocation remains permanent.

(B) A written request for an eligibility determination has been submitted to the Department and a Policy Committee has recommended that a public safety professional's eligibility to apply for public safety or instructor certification be restored and the Board has upheld the recommendation;

(i) A request for an eligibility determination should include documentation or information that supports the public safety professional's request for eligibility to apply for certification.

(ii) In considering a request for an eligibility determination, the Policy Committee and the Board may consider mitigating and aggravating circumstances identified in Section 9(d) of this rule.

(iii) After reviewing a written request for an eligibility determination, the Board, through a Policy Committee, may determine that the individual's eligibility to apply for certification be restored if the criteria for certification have been met; or determine that the factors that originally resulted in denial or revocation have not been satisfactorily mitigated and the individual must remain ineligible to apply for certification.

(C) The public safety professional is employed or utilized by a public safety agency or the Department; and

(D) All requirements for certification have been met.

Stat. Auth.: ORS 181.640, 181.661, 181.662, 181.664 & 183.341

Stats. Implemented: ORS 181.640, 181.661, 181.662 & 181.664

## **259-008-0080**

### **Certification of Instructors**

(1) ~~The Standards and Certification Section of the Department~~ will certify instructors deemed qualified to teach all mandated training courses.

(2) Minimum Standards for Instructor Certification:

(a) Fingerprints.

(A) Prior to the date of employment, instructors must be fingerprinted on standard applicant fingerprint cards. The hiring agency is responsible for fingerprinting and must forward a card to the Oregon State Police Identification Services Section for processing and assignment of identification number.

(B) If any procedural change is made by either the Federal Bureau of Investigation or the Oregon State Police Identification Services Section the Department must comply with the most current requirements.

(b) Criminal Records. No instructor may have been convicted:

(A) In this state or any other jurisdiction, of a crime designated under the law where the conviction occurred as being punishable as a felony or as a crime for which a maximum term of imprisonment of more than one year may be imposed;

(B) Of violating any law involving the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug;

(C) In this state of violating any law subject to denial or revocation as identified in OAR 259-008-0070 or has been convicted of violating the statutory counterpart of any of those offenses in any other jurisdiction.

(c) Notification of Conviction:

(A) An instructor who is convicted of a crime, as identified in OAR 259-008-0070, while employed by a public or private safety agency or the Department must notify the agency head within 72 hours of the conviction.

(B) When an agency receives notification of a conviction from its employee or another source, they must notify the ~~DPSST Standards and Certification Section~~ within five business days. The notification must be in writing and include the specific charges of the conviction, the county and state where the conviction occurred, the investigating agency and the date of the conviction.

(d) Moral Fitness (Professional Fitness). All instructors must be of good moral fitness. For purposes of this standard, lack of good moral fitness includes, but is not limited to:

(A) Mandatory disqualifying misconduct as described in OAR 259-008-0070(3); or

(B) Discretionary disqualifying misconduct as described in OAR 259-008-0070(4).

(e) Training Requirements. ~~All instructors must complete the requisite training and certification requirements prescribed by statute, rule, and policy. Requirements include:~~

(A) ~~Except as identified in (e)(C),~~ All instructors must complete a Department-approved Basic Instructor Development Course or equivalent Department-approved training. ~~An approved~~

~~Instructor Development~~ **The** course must include instruction on the theory and application of adult learning principles.

**(B) Instructors whose certification has lapsed must satisfactorily complete an Instructor Development Course to qualify for re-certification. This requirement may be waived by Standards and Certification upon a finding that the applicant has current knowledge and skills to instruct mandated courses.**

~~(B) Instructors applying for certification in the skills categories involving firearms, defensive tactics, or emergency vehicle operations must complete a Department-approved Instructor Development Course or equivalent Department-approved training applicable to their relevant skills category.~~

~~(C) Instructors applying for certification under the definition of an Allied Professions Instructor do not need to complete an Instructor Development Course if they document equivalent relevant experience or education qualifying them to instruct in the identified category.~~

~~(D) Instructors applying for certification under the definition of Subject Matter Expert Instructor must complete an Instructor Development Course or equivalent in the specific topical area in which they will be utilized. If eligible, certification will be granted at the topical level, not by category.~~

~~(f) Professional experience. Instructors must possess a minimum of three years' professional experience, as outlined below:~~

~~(A) Except as identified in (f)(C), the tThree years' experience must be in a certifiable public safety position. To qualify, the public safety experience must be in a discipline applicable to the categories of instruction in which the Instructor will be utilized.~~

~~(B) The DPSST Standards and Certification Section may, at its sole discretion, waive the requirement for **that** the experience to be in a certifiable public safety position. Such a waiver must **will** be based on documentation that **an individual has non-certified, professional or educational experience which allows them to possesses the requisite knowledge, skills and abilities to instruct mandated courses.** certification would have no bearing on the relevance of the experience or the qualifications or credibility of the Instructor to provide instruction in the category in which the Instructor will be utilized.~~

~~(C) Instructors applying for certification under the definition of an Allied Professions Instructor must document three years' experience relevant to the category or categories they will be utilized.~~

~~(D) Instructors applying for certification under the definition of a Subject Matter Expert Instructor must document three years' experience relevant to the specific topical area in which they will be utilized.~~

(g) It is the continuing responsibility of the ~~employing agency~~ **utilizing certified instructors** to ~~see~~ **ensure** that instructors are assigned only topics which they are qualified to teach and the instruction is evaluated on a regular basis ~~to ensure that excellence is maintained.~~

(h) All applicants for initial certification must submit an **Instructor Certification Application** (DPSST Form F-9) ~~(Instructor Certification Application) or F-9 DOC (BCC Instructor Certification)~~ with all **any** required documentation to the DPSST Standards and Certification Section.

~~(3) If certification is denied, the requesting agency will be notified in writing and advised of the reasons for denial.~~

~~(43)~~ Instructor certification is not required for teaching assignments **instructors who instruct in** non-Department certified **non-mandated** courses.

~~(54)~~ Review of instructor certification **will be the responsibility of Standards and Certification. Reviews** may be initiated upon the request of a department head, staff, or other reliable source.

~~(6) Instructor certification is valid for a maximum of two years.~~

[ED. NOTE: Form referenced is available from the agency.]

Stat. Auth.: ORS 181.640 & 181.650

Stats. Implemented: ORS 181.640 & 181.650

## **259-008-0090**

### **Training Records**

(1) Upon receipt by the Department of a Personnel Action Report (DPSST Form F-4), properly identifying a public safety professional, the Department will initiate a file for that individual and record completion of approved training, as well as other personnel information, if properly documented.

(2) Upon receipt of the appropriate form, the Department will enter training hours for training attended by a public safety **professional** officer.

(a) Beginning April 1, 2007, F-6 (Attendance Rosters) will only be accepted to report training that occurred in the current calendar year and the two previous years.

(b) Any training occurring three or more years prior to the current year, or any training received while a public safety officer **professional** was employed in a jurisdiction outside of Oregon, must be reported on an F-15 (Continuing Log of Training). Approved training will appear on a

public safety officer's **professional's** training record as a lump sum number of hours of "approved training" for each year reported.

(3) Beginning January 1, 2007, all training submitted to the Department must be submitted on the current version F-6 (Attendance Roster) or F-15 (Continuing Log of Training) available upon request, or from the Department's internet website.

(4) Any Form F-6 (Attendance Roster) or F-15 (Continuing Log of Training) received by the Department that is insufficient, or not in compliance with this rule, will be returned to the originating agency. The Department will identify any deficiencies needing completion or correction.

(5) Upon display of proper identification, a department head, or authorized representative, may review their employee's file as maintained by the Department. Proper identification will also be required of individuals interested in reviewing their own file.

(6) Review or release of non-public information under Oregon law to other than the individual whose file is the subject of the information request or to the employing law enforcement agency, or public or private safety agency will only be permitted by the Department upon advisement by the Attorney General, by court order, or with a signed consent from the individual whose file is the subject of the information request.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640